

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PORT DRIVERS FEDERATION 18, INC.,	:	
MARIO MINA and ALBERTO	:	
CONTRERAS,	:	OPINION and ORDER
	:	
Plaintiffs,	:	Civ. No. 09-1358 (WHW)
	:	
v.	:	
	:	
BIG DADDY DRAYAGE INC.,	:	
	:	
Defendant.	:	

Walls, Senior District Judge

Plaintiffs move to confirm an arbitration award. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the motion is decided without oral argument. The motion is denied as moot.

Port Drivers Federation 18, Inc., Mario Mina and Alberto Contreras filed a complaint in March 2009 contending that Big Daddy Drayage failed to comply with the Federal Truth in Leasing Regulations. They sought declaratory and injunctive relief as well as attorneys' fees. The parties settled the matter and agreed to submit the claim for attorneys' fees and costs to binding arbitration. (Cohen Cert. Ex. A.) The settlement agreement states that "[t]he parties intend that [the arbitrator's] determination be final and not reviewable except for the narrow causes set forth in Federal Arbitration Act ("FAA"), 9 U.S.C. §§ 1, et seq." (Cohen Cer., Ex. A.) The parties also entered into an Agreement for Binding Private Arbitration, which stated "the undersigned parties have agreed to submit to arbitration . . . the attorneys' fees and costs dispute

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described in a certain settlement agreement in the matter of Port Drivers Federation 18, Inc. et al. v. Big Daddy Drayage, Inc.” (Cohen Cert. Ex. B.)

The arbitrator awarded Plaintiffs \$98,526.03 in attorneys’ fees and costs, which was to be paid by April 8, 2011. Plaintiffs moved to confirm this arbitration award nearly a month before the payment was due. While this motion was pending, Big Daddy Drayage paid plaintiffs the full \$98,526.03. Because the defendant has fully satisfied the arbitral award, there is no need for this Court to confirm the arbitration award.

CONCLUSION

For the foregoing reasons, it is on this 3rd day of May, 2011,

ORDERED that Plaintiffs’ motion to confirm the arbitration award is DENIED as moot.

s/ William H. Walls
United States Senior District Judge